

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION AT SANTA ANA  
HONORABLE DAVID O. CARTER, JUDGE PRESIDING

**CERTIFIED TRANSCRIPT**

FITNESS INTERNATIONAL, LLC, )  
)  
PLAINTIFF, )  
)  
vs. ) SACV NO. 22-01800-DOC  
)  
LEAH ALSPAUGH and DOES 1 TO 50, )  
INCLUSIVE, )  
)  
DEFENDANTS. )  
\_\_\_\_\_)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

SANTA ANA, CALIFORNIA

MONDAY, DECEMBER 5, 2022

9:16 A.M.

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1 **SANTA ANA, CALIFORNIA; MONDAY, DECEMBER 5, 2022; 9:16 A.M.**

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3 THE COURT: We're on the record concerning  
4 Fitness International versus Leah Alspaugh.

09:16:49 5 And, Counsel, on behalf of the plaintiff, are you  
6 Alice Chen Smith?

7 MS. DeMETRUIS: No. I'm Christine DeMetruis.

8 THE COURT: All right. Thank you.

9 And you're Leah Alspaugh, representing yourself?

09:17:00 10 MS. ALSPAUGH: Leah Alspaugh.

11 THE COURT: All right. And the Court previously  
12 signed injunctive relief in this matter.

13 The meet and confer attempts between the parties  
14 were unsuccessful, at least according to the scheduling  
09:17:20 15 conference report that I received.

16 And, Ms. Alspaugh, I need your cooperation in  
17 terms of discussing potential dates with the plaintiff's  
18 counsel. And it appears, at least from this rendition, that  
19 they have made numerous efforts to contact you. It would be  
09:17:42 20 helpful if you're available, which is why I asked how to get  
21 ahold of you on the last occasion.

22 I'm going to order the two of you to meet and  
23 confer now, so at least I have input from a pro se. But,  
24 otherwise, I'm inclined to adopt the dates that you have  
09:17:59 25 proposed. But, just in an abundance of caution -- because

09:18:06 1 Ms. Alspaugh represents herself -- I want to have that  
2 input. So I'm going to ask the two of you to go out in the  
3 hallway. I'm going to ask you to get a calender for a  
4 moment. I'm going to ask for your participation today in  
09:18:16 5 terms of dates, availability for trial, okay?

6 MS. ALSPAUGH: Yes, Your Honor.

7 THE COURT: All right. Thank you very much,  
8 Ms. Alspaugh.

9 Now, if you'd excuse yourself to the hallway,  
09:18:24 10 along with plaintiff's counsel.

11 And, once again, I'm going to admonish you to be  
12 available, regardless of your representing yourself, because  
13 this is unduly consumptive of your time and the Court's time  
14 without your participation.

09:18:37 15 Thank you very much.

16 MS. DeMETRUIS: Your Honor, if I may just raise --

17 THE COURT: No, you may not, Counsel.

18 MS. DeMETRUIS: Okay. Thank you, Your Honor.

19 THE COURT: You may go out in the hallway now just  
09:18:46 20 as I ordered and discuss this matter. This is becoming  
21 unduly consumptive of time.

22 MS. DeMETRUIS: Thank you.

23 THE COURT: Okay. Thank you.

24 *(Interruption in the proceedings at 9:18 a.m.)*

25 *(Proceedings resumed at 9:51 a.m.)*

1 THE COURT: Fitness International and Leah  
2 Alspaugh.

3 Are you folks present or still talking?

4 (Pause)

09:51:32 5 THE COURT: Okay. Have you had -- I don't care if  
6 the discussion is meaningful. I just care that you've had  
7 the discussion in terms of dates, because you had no input  
8 from the defendant.

9 MS. DeMETRUIS: Yes, Your Honor. Understood.

09:51:44 10 We did have a discussion of dates. Ms. Alspaugh  
11 is not available in June or July. She believes -- I believe  
12 her -- what she told me was that she was going to be  
13 traveling to London during those months.

14 THE COURT: I wouldn't have to set it in June or  
09:52:02 15 July then. I could set it in August, or September, or  
16 October, okay?

17 MS. DeMETRUIS: Correct.

18 Well, Ms. Alspaugh has expressed to me a desire to  
19 have it earlier in April. A trial date in April.

09:52:17 20 THE COURT: If it doesn't press well with you  
21 folks, I'm happy to.

22 MS. DeMETRUIS: Well, Your Honor --

23 THE COURT: You're the plaintiff.

24 MS. DeMETRUIS: Yes.

09:52:24 25 THE COURT: It would seem to be in your interest

09:52:26 1 to have the trial as quickly as possible. I just don't want  
2 to interfere with either one of you with vacations or other  
3 matters, but as far as other matters are concerned.

4 MS. DeMETRUIS: Yes.

09:52:36 5 THE COURT: I think we accommodate that, can't we?

6 MS. ALSPAUGH: Yes, sir.

7 THE COURT: Okay.

8 MS. DeMETRUIS: We can do an April trial date.

9 There are just a couple of things that Your Honor needs to  
09:52:44 10 be aware of:

11 Number one, Defendant Alspaugh has actually filed  
12 a complaint in state court against Fitness International.  
13 She has filed --

14 THE COURT: I have no jurisdiction over that. The  
09:53:00 15 state court judge needs to be made aware of this litigation.

16 MS. DeMETRUIS: We intend on removing it to this  
17 court, once it's properly served on us.

18 It's also my understanding that Ms. Alspaugh has  
19 filed a request for reconsideration of the preliminary  
09:53:18 20 injunction.

21 THE COURT: I'm going to resolve that at this  
22 time. That motion is denied.

23 MS. DeMETRUIS: Okay.

24 THE COURT: That preliminary injunction remains in  
09:53:29 25 place, Ms. Alspaugh, and please don't violate it.

09:53:32 1 MS. DeMETRUIS: Which is number three, Your Honor.  
2 She's actually violated it twice already.

3 THE COURT: I'm going to be lenient in that  
4 regard, Ms. Alspaugh. I'm just admonishing you. I'm not  
09:53:41 5 seeking any intervention by the Court at this time, but you  
6 are on fair notice concerning the injunctive relief that  
7 I've granted.

8 Please obey the Court's order, because the  
9 repercussions of not doing so can be very strict, okay?

09:54:00 10 All right. Thank you. Now --

11 MS. ALSPAUGH: The --

12 THE COURT: -- Counsel, now we're done.

13 All right. Discovery cutoff then is going  
14 February sometime. We'll pick a date in just a moment. A  
09:54:11 15 pretrial motion will be sometime --

16 Now, are you sure that the latest date is April?  
17 If you want May, I can do that.

18 When are you going to London, Ms. Alspaugh? What  
19 are your dates?

09:54:22 20 MS. ALSPAUGH: I'm not sure exactly. It's around  
21 June 3rd, but I would like to go ahead and have the trial as  
22 soon as possible.

23 THE COURT: Well, I understand that, but -- it  
24 will be pretty quick. So what I'm trying to do is work out  
09:54:37 25 a reasonable discovery date.

09:54:40 1 MS. DeMETRUIS: But, Your Honor, we've --

2 THE COURT: Counsel, just a moment now. Thank you  
3 very much.

4 (Pause)

09:55:03 5 THE COURT: Now, Ms. Alspaugh, this is going to  
6 require your cooperation. And there's -- at least, it would  
7 appear from the plaintiff's standpoint to be difficulty of  
8 getting ahold of you concerning even a scheduling conference  
9 and coming up with dates. You have to make yourself

09:55:23 10 available in terms of depositions. Just as you're deposing  
11 the other side, they have the right to depose you prior to  
12 trial. So I'm just saying to you, you gave us the address  
13 last time. Please be available, if I'm going to set this  
14 matter for trial in April.

09:55:38 15 And if she's going in June, do you want -- in  
16 other words, I'm trying to give you the most amount of time  
17 in that interim period of time. Why wouldn't I set this in  
18 May?

19 MS. DeMETRUIS: Ms. Chen Smith and I have another  
09:56:00 20 trial that's smack dab in the middle of May.

21 THE COURT: Well, then, it's going to be in April.  
22 I don't want to hear a complaint then that that's too quick  
23 from you.

24 MS. DeMETRUIS: Understood.

09:56:08 25 THE COURT: Now, half the time, those cases



09:56:10 1 resolve, and I'll never interfere. Is it a state court  
2 case? Because I won't interfere with my state court  
3 colleagues, but -- is it a federal court case?

4 MS. DeMETRUIS: It's a state court case,  
09:56:22 5 Your Honor.

6 THE COURT: Okay. Whose court is it in?

7 MS. DeMETRUIS: It's in San Diego.

8 THE COURT: Okay. Who's the judge?

9 MS. DeMETRUIS: Just one moment.

09:56:29 10 THE COURT: Is that case definitely going?

11 MS. DeMETRUIS: Well, it's already been continued  
12 from September, so I suspect that it will be going.

13 THE COURT: Okay. And what's the date of that  
14 case?

09:56:40 15 MS. DeMETRUIS: That case is -- starts on -- just  
16 one moment, Your Honor.

17 THE COURT: I'm going to give each of you the most  
18 amount of time, but get the case off the ground before you  
19 go to London.

09:57:12 20 MS. DeMETRUIS: Understood.

21 THE COURT: Instead of after you go to London.

22 (Pause)

23 MS. DeMETRUIS: I apologize, Your Honor. I'm  
24 trying to pull up the correct date.

09:57:24 25 (Pause)

09:57:25 1 MS. DeMETRUIS: Trial starts on that date on  
2 May 12th.

3 THE COURT: All right. I'm setting this matter  
4 for May 2nd.

09:57:32 5 MS. DeMETRUIS: I'm sorry?

6 THE COURT: May 2nd. That's your trial date in my  
7 court.

8 Your pretrial will take place two weeks before,  
9 which will be April 17th. That will be at 8:30 in the  
09:58:15 10 morning on each of those matters for appearances.

11 Your final motion cutoff, which is the day I'm  
12 actually hearing your summary judgment motions, will be on  
13 March 27th, which is a Monday.

14 And your discovery cutoff will be a month before  
09:58:46 15 that, February 20th, just to be certain we give you enough  
16 time.

17 Just one moment. It appears to me that there are  
18 actually very few witnesses:

19 Ms. Alspaugh, certainly, a percipient witness.

09:59:55 20 You have a number of people at the fitness centers,  
21 et cetera, but they don't seem to be a great number  
22 concerning her alleged conduct in which I granted your  
23 preliminary motion. So it appears to me that it's a two- or  
24 three-day case.

10:00:13 25 In an abundance of caution, I'm going to give both

10:00:18 1 of you four days, 10 hours per side. I don't count your  
2 opening statement, nor your closing argument in this matter.

3 So, Karlen, I'm going to repeat the dates:

4 The discovery cutoff is February 20th, 2022.

10:00:28 5 The motion cutoff, which is the day I'm actually  
6 hearing motions, so you're filing 30 days in advance, is  
7 March -- I'm going to change that. I'm going to change that  
8 to March -- no, I'm going to leave it. March 27th. That  
9 will give you plenty of time.

10:00:57 10 So you're filing 30 days in advance. Your  
11 pretrial is on April 17th. And your jury trial, 10 hours  
12 per side, is on -- well, will be on the date of May 2nd,  
13 with a four-day-time estimate.

14 If there's a problem in terms of depositions,  
10:01:16 15 et cetera, and reaching one another, as there was on the  
16 scheduling conference, I want to be noticed immediately.

17 MS. DeMETRUIS: Yes, Your Honor.

18 THE COURT: Meanwhile that preliminary injunction  
19 remains in effect.

10:01:28 20 Counsel, thank you very much.

21 MS. DeMETRUIS: Your Honor, the case is also not  
22 yet at issue.

23 Can we have --

24 THE COURT: I'm sorry?

10:01:33 25 MS. DeMETRUIS: The case is not yet --

10:01:33 1 THE COURT: I can't hear you. Pull the microphone  
2 closer.

3 MS. DeMETRUIS: I'm sorry. The case is not at  
4 issue, as we don't have an answer on file from Ms. Alspaugh.

10:01:39 5 THE COURT: Well, Ms. Alspaugh, I'm directing you  
6 to answer and respond to the complaint within seven days,  
7 okay?

8 MS. ALSPAUGH: Yes, sir.

9 THE COURT: Okay. Thank you very much. Have a  
10:01:49 10 good day now.

11 MS. DeMETRUIS: Thank you, Your Honor.

12 *(At 10:01 a.m., proceedings were adjourned.)*

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CERTIFICATE

I hereby certify that pursuant to Section 753,  
Title 28, United States Code, the foregoing is a true and  
correct transcript of the stenographically reported  
proceedings held in the above-entitled matter and that the  
transcript page format is in conformance with the  
regulations of the Judicial Conference of the United States.

Date: December 29, 2022

/s/DEBORAH D. PARKER  
DEBORAH D. PARKER, OFFICIAL REPORTER

*Deborah D. Parker, U.S. Court Reporter*